

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER LOADHOLT, *on behalf of himself and*
all others similarly situated,

Plaintiff,

-v-

THE HAUNTED GAME CAFÉ, INC.,

Defendant.
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22-CV-7459 (JMF)


MEMORANDUM OPINION
AND ORDER

JESSE M. FURMAN, United States District Judge:

The Court's order of reference to Magistrate Judge Cott, ECF No. 6, is withdrawn for the limited purpose of addressing Defendant's motions to dismiss. *See* ECF Nos. 12 and 17. The motion to dismiss the original Complaint, ECF No. 12, is denied as moot. The motion to dismiss the Amended Complaint, ECF No. 17, is denied substantially for the reasons set forth in Plaintiff's opposition, ECF No. 20. Put simply, accepting the truth of the allegations in the Amended Complaint, the Court concludes that Plaintiff alleges "facts that affirmatively and plausibly suggest that [he] has standing to sue." *Calcano v. Swarovski N. Am. Ltd.*, 36 F.4th 68, 75 (2d Cir. 2022). Defendant shall file an answer **within fourteen days** of the date of this Memorandum Opinion and Order. *See* Fed. R. Civ. P. 12(a)(4)(A). Otherwise, the matter remains referred to Magistrate Judge Cott for General Pretrial Purposes. The Clerk of Court is directed to terminate ECF Nos. 12 and 17.

SO ORDERED.

Dated: March 31, 2023
New York, New York



JESSE M. FURMAN
United States District Judge